



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/865,836	05/25/2001	Michael Allen Daley	14427	5831

7590 07/15/2002

James B. Robinson
Kimberly-Clark Worldwide, Inc.
Patent Department
401 North Lake Street
Neenah, WI 54956

EXAMINER

REICHLE, KARIN M

ART UNIT

PAPER NUMBER

3761

DATE MAILED: 07/15/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/865836

Applicant(s)

Daley et al

Examiner

Reiche

Group Art Unit

3761

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 5-25-01
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-11 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-11 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☒ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) _____
- ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2 ☐ Interview Summary, PTO-413
- ☒ Notice of Reference(s) Cited, PTO-892 ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948 ☐ Other _____

Office Action Summary

Art Unit: 3761

1. The abstract of the disclosure is objected to because the abstract should be limited to a single paragraph. The abstract is too long, i.e. more than 150 words. Inferred language, i.e. "There is provided", should be avoided. Also, lines 6 et seq. of the abstract and the claims are inconsistent, e.g. below the target area or in the target area? Correction is required. See MPEP § 605.01(b). ✓
2. The disclosure is objected to because of the following informalities: 1) The Summary of the Invention section, i.e. a description of the claimed invention, and the invention of the claims is inconsistent, e.g., below the target area? Where is this claimed? See MPEP 608.01(d) and 1302.01. 2) The description of the invention, i.e. below the target area, and the invention of the claims, i.e. in the target area, appear to be inconsistent. ✓

Appropriate correction is required.

3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: a clear antecedent basis for the invention of claims 1-11 should be set forth, i.e. "in the target area". ✓
4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the invention as claimed in claims 1-11 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered. ✓

Art Unit: 3761

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

5. The use of the trademark LYOCELL®, ASPUN®, ESCORENE®, FAVOR®, FIBERORI®, OASIS®, FLOSORB®, KYMENE®, AHCVEL®, GLUCOPON® has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks. Trademarks should either be in all capital letters or accompanied by the symbol, not both.

6. Claims 1, 4, 5, 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Steger et al.

See Figures 1 and 2, and, e.g., column 2, lines 27-40, 49-51, 60-65, column 6, lines 36-37, i.e. encapsulating material is soluble binder, layer 11 is distribution layer.

7. Claims 1, 3 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Faulks et al.

See Figure 5 and column 8, lines 9-13, column 6, lines 24-37 column 7, line 18.

8. Claims 1, 2, and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Nishino.

Art Unit: 3761

See Figures, i.e. 5 is higher density target area, 7 is remainder and column 6, line 37-
column 7, line 18.

9. The prior art made of record and not relied upon is considered pertinent to
applicant's disclosure. The other prior art teaches claimed and disclosed structure.

10. The Examiner's regular work schedule is Monday-Thursday.

Any inquiry concerning this communication should be directed to Karin Reichle
at telephone number (703) 308-2617.

K. Reichle:bhw

June 28, 2002

K. Reichle
Karin Reichle
Patent Examiner